

## REMARKS

With this response, no claims are amended or cancelled. Therefore, claims 40-97 are pending.

### Allowable Subject Matter

Claims 49, 55-56, 72, 76, 88, and 92-93 were objected to as being dependent upon rejected base claims. Applicants submit that all rejections of the base claims from which these claims depend are overcome herein. Therefore, Applicants respectfully request that the objection to these claims be withdrawn.

### Double Patenting Rejection

Claims 40-97 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,185,440 issued to Barratt et al., which is owned by the same corporate assignee as the above-referenced patent application. Please find filed herewith a terminal disclaimer under 37 CFR 1.321 that obviates the double patenting rejection for a commonly owned patent.

### Claim Rejections - 35 U.S.C. § 102

Claims 40-48, 50-54, 57-71, 73-75, 77-87, 89-91, and 94-97 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,828,658 issued to Ottersten et al. (*Ottersten*). Applicants respectfully submit that these claims are not anticipated by the cited reference for at least the following reasons.

Claim 40 recites the following:

**iteratively processing a signal through a plurality of signal processing procedures to generate a plurality of processed signals; and**

sequentially transmitting the plurality of processed signals through a coupled antenna array, generating a desired radiation level at a number of locations within a desired sector.

Thus, Applicants claim **iteratively** processing a signal through a **plurality of signal processing procedures** and sequentially transmitting the plurality of processed signals generated. Claims 60 and 78 recite devices with elements similarly directed to iteratively process a signal through a plurality of signal processing procedures and sequentially transmit the plurality of processed signals generated.

The Office Action points to *Ottersten* at col. 15, line 37 to col. 16, line 23 as disclosing processing a signal through a plurality of signal processing procedures. This section of *Ottersten* discusses spatio-temporal multiplexing, which includes matrix multiplication of a weight matrix, and summing of time-delayed versions of a modulated signal. Applicants respectfully point out that the language of the claims recites "**iteratively processing** a signal through a plurality of signal processing procedures." The Office Action has failed to point to anything in the cited reference that is purported to disclose "iteratively processing" as recited in claims 40, 60, and 78. Furthermore, Applicants respectfully contend that the Office Action merely referring to a signal processing procedure that includes many steps, as discussed in *Ottersten* at col. 15, line 37 to col. 16, line 23, fails to disclose or suggest "processing a signal through a plurality of signal processing procedures," as recited in claims 40, 60, and 78. Just as Applicants have previously stated that the number of signal processors used in processing a signal does not disclose or suggest using a plurality of signal processing procedures, Applicants here note that using a processing procedure that includes many steps does not disclose or suggest using a plurality of signal processing procedures, as recited in the claims. Because the Office Action has failed to

show every limitation of the claims in *Ottersten*, Applicants respectfully submit that the invention as recited in claims 40, 60, and 78 is not anticipated by the cited reference.

Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants respectfully submit that claims which depend from claims 40, 60, and 78 are likewise not anticipated by the cited reference for at least the reasons set forth above. Claims 41-48, 50-54, 57-59, and 95 depend from claim 40; claims 61-71, 73-75, 77, and 96-97 depend from claim 60; claims 79-87, 89-91, and 94 depend from claim 78; therefore, these claims are not anticipated by the cited reference.


#### Conclusion

For at least the foregoing reasons, Applicants submit that all rejections have been overcome. Therefore, Applicants submit that all pending claims are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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